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OPINION & ORDER  
[Resolving Doc. 69].

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Gwin, J.

possession of crack cocaine became effective. On December 11, 2007, the United States Sentencing Commission gave those reduced guidelines retroactive effect.

These retroactive guidelines would place Defendant Greer in a sentencing range of between 108 and 135 months. However, Defendant Greer was convicted of possession with the intent to distribute at least 50 grams of crack cocaine. Pursuant to 21 U.S.C. §841(b), the Court cannot sentence Defendant Greer to less than ten years (120 months) imprisonment. The Court, therefore, has no discretion to reduce Defendant Greer's sentence even though his new guideline range includes terms below that mandatory minimum sentence. The Court, therefore, must deny the motion.

For the reasons stated above, the Court **DENIES** the motion.

IT IS SO ORDERED.

Dated: April 22, 2008

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE